
TEXAS BOARD OF NURSING

Regular Meeting

Thursday, January 17, 2008
8:38 a.m. - 4:40 p.m.
333 Guadalupe, Tower II, Room 225
Austin, Texas

Present:

Linda Rounds
Deborah Bell
Kristin K. Benton
Sheri Crosby
Marilyn Davis
Blanca Rosa Garcia
Richard Robert Gibbs
Rachel Gomez
Brenda Jackson
Beverley Nutall
Mary Jane Salgado
Frank Sandoval

Staff present:

Katherine A. Thomas, Executive Director
Patricia Vianes-Cabrera, Executive Assistant
Anthony Diggs, Director of Enforcement
Mark Majek, Director of Operations
James "Dusty" Johnston, General Counsel
Joy Sparks, Assistant General Counsel
Mary Beth Thomas, Director of Nursing
Allison Hassinger, Administrative Assistant
Jolene Zych, Nursing Consultant
Virginia Ayars, Nursing Consultant
Janice Hooper, Nursing Consultant
Robbin Wilson, Nursing Consultant
Carol Marshall, Nursing Consultant
Dorothy Joy, Nursing Consultant
Karen Neighbors, Nursing Consultant
Denise Benbow, Nursing Consultant
Bruce Holter, Information Specialist
Douglas Boone, Investigator
Scott Torres, Investigator
Tawnya Smith, Information Technology Specialist
Bill Ray, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Linda Rounds called the meeting to order at 8:38 a.m, Thursday, January 17, 2008.	
ROLL CALL	Board Member George Buchenau, Jr., was absent, all other members were present. A quorum was established.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The Board reviewed the agenda.	<p>The following correction was made to the agenda:</p> <p>Agenda Item 8.2, Agreed Order of Charlotte Drone, RN #429086 was removed from the agenda. The Agenda was approved.</p>
ACCEPTANCE OF MINUTES	The Board reviewed the minutes from the October 16-17, 2007 Board Retreat and from the October 18-19, 2007 Board meeting.	The Board approved the minutes from the October 16-17, 2007 Board Retreat and from the October 18-19, 2007 Board meeting.
CONSENT AGENDA ITEMS		<p>The Consent agenda was reviewed and approved with the following changes:</p> <p>Agenda Item 7.1.1., TPAPN Quarterly Report was Removed from the Consent Agenda.</p> <p>Brenda Jackson recused herself from the consideration and vote on Item 8.2. Agreed Order of: Dalinda Lopez-Smith, RN #577876</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.2. Agreed Orders of: David Mir Nateghi, RN #698331 Christene Scott-Johnson, RN #526778 Melissa Marie Sirtout, LVN #188098</p> <p>Richard Gibbs recused himself from the consideration and vote on Item 8.2. Agreed Order of: Jeffery Allen Stout, RN #610350</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>2.2. Continuing Education Pre-Renewal Audit Report/ 1ST Quarter, Fiscal Year 2008</p>		<p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.2. Agreed Order of: Linette Zamudio, LVN #114310</p> <p>Blanca Rosa Garcia, recused herself from the consideration and vote on Item 8.3. Reinstatement Agreed Order of : Terry Allison Bly, RN #695077</p> <p><i>Approved on Consent.</i></p>
<p>3.2.1. Continuation of Approval Status Based on 2006 NCLEX-PN Examination Pass Rates, Review of 2006 Annual Report and Review of Self Study - Victoria College at Victoria Evening, Vocational Nursing Education Program</p>	<p><i>The Board considered the 2006 NCLEX-PN examination pass rates and review of 2006 Annual Reports.</i></p>	<p><i>The Board voted to continue full approval status and accepted the self study report.</i></p>
<p>3.2.2. Notification of Consolidation of Vocational Nursing Educational Programs-Panola College at Carthage and Panola College at Shelby College in Center</p>	<p><i>The Board considered the notification of consolidation of Vocational Nursing Educational Programs-Panola College at Carthage and Panola College at Shelby College in Center.</i></p>	<p><i>No board action taken. Information report only.</i></p>
<p>3.2.3. Report on the Streamlining of the Innovative Professional</p>	<p><i>The Board reviewed the report on the Streamlining of the Innovative Professional Education Pilot Programs Application and Approval Process.</i></p>	<p><i>No board action taken. Information report only.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Education Pilot Programs Application and Approval Process</i></p>		
<p><i>5.1.1. Eligibility and Disciplinary Committee</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>5.1.2. Strategic Planning/1ST Quarter Report</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.4. Adoption of Amendment to § 213.12, Relating to Witness Fees and Expenses</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.5. Adoption of Amendments to Chapter 216, Relating to Continuing Education</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.6. Adoption of Amendments to Chapter 219, Relating to Advanced Practice Nurse Education</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.7. Adoption of Rule Reviews of Chapters 220 (Nurse Licensure Compact), 224 (Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care</i></p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Environments), 225 (Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions), and 226 (Patient Safety Pilot Programs on Nurse Reporting Systems)</i></p> <p>8. PROPOSED BOARD ORDERS</p> <p>8.2. Agreed Orders</p>	<p>Anthony Alvarez, RN #598142</p>	<p><i>The board voted to ratify the Agreed Orders on Consent with the following results:</i></p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. It is further agreed that should Respondent practice as a RN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>James Richard Bennett, LVN #148150</p> <p>Anna E. Brackin, LVN #206285</p> <p>Mae Anna Broussard, LVN #171055</p>	<p>Reprimand with Stipulations. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in Basic Cardiopulmonary Life Support for Healthcare Providers. It is further agreed that should Respondent practice as a LVN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first six months of employment under this order; and Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</p> <p>Warning with Stipulations. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; and a board approved course in nursing documentation. It is further agreed that should Respondent practice as a LVN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</p> <p>Warning with Stipulations. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in medication administration. It is further agreed that</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Rebecca Joyce Cecil, RN #243745</p>	<p><i>should Respondent practice as a LVN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Reprimand with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in physical assessment. It is further agreed that should Respondent practice as a RN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Should Respondent choose to work for VITAS this stipulation shall supercede Stipulations six, seven and ten. Respondent's practice of nursing will be monitored for two years by a RN proficient in the are of hospice care nursing approved by the Board; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall participate in therapy with a board approved therapist</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Margaret Mary Devitt-Morgan, RN #677449</p>	<p><i>order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent receives a favorable neuropsychological evaluation, performed by a Board certified psychiatrist approved by the Board, which indicates that Respondent is fit to practice professional nursing. Respondent shall comply with the recommendations for therapy or other follow up. Upon verification of successful completion of the neuropsychological evaluation as set out above, the suspension will be STAYED and Respondent will be placed on Probation for two years with the following agreed terms of probation: Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="407 774 805 804">Lorraine E. Ellison, RN #516621</p> <p data-bbox="407 1507 808 1537">Lori Giselle Foster, RN #588438</p>	<p data-bbox="951 306 1463 716"><i>probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period; and Respondent shall participate in any follow-up therapy recommended by the neuropsychological evaluator and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p data-bbox="951 779 1463 1444">Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. Should Respondent choose to practice as a RN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p data-bbox="951 1507 1463 1976">Enforced Suspension. <i>Respondent's license is hereby suspended with said suspension enforced until Respondent completes a recommended treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$500.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Toleda Geter, LVN #116292</p>	<p><i>Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Suspend Probate. Respondent’s license is hereby suspended for two years with said suspension stayed and Respondent is placed on Probation for two years. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in Sharpening Critical Thinking Skills. Should Respondent choose to practice as a LVN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="407 709 816 741">Janet Lynn Graham, RN #692678</p> <p data-bbox="407 1440 846 1472">Matthew Ryan Gray, LVN #205148</p>	<p data-bbox="951 306 1466 653"><i>under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of the stipulation period; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p data-bbox="951 709 1474 1381">Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; a board approved course in physical assessment; and a board approved course in nursing documentation. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p data-bbox="951 1440 1466 1978">Reprimand with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have in-direct</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Dalinda Lopez-Smith, RN #577876</i></p> <p><i>Norman Ray Lott, LVN #207410</i></p>	<p><i>approved course in physical assessment; and a board approved course in nursing documentation. Should Respondent choose to practice as a RN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; Respondent shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Board Member Brenda Jackson recused herself prior to the consideration and vote on this agreed order.</i></p> <p><i>Warning with Stipulations.</i> <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. Should Respondent choose to practice as a RN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; Respondent shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Warning with Stipulations.</i> <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in Sharpening Critical Thinking Skills; and a board approved course in Basic Cardiopulmonary Life Support for Healthcare Providers. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.3. REINSTATEMENT AGREED ORDER</p>	<p>Terry Allison Bly, RN #695077</p>	<p><i>reports; Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Respondent shall submit to periodic screens for controlled substances and alcohol.</i></p> <p><i>Board member Blanca Rosa Garcia recused herself prior to the consideration and vote on this agreed order.</i></p> <p>Reinstatement Denied. Denial Stayed with Stipulations. <i>Petitioner’s Application for Reinstatement shall be denied with the denial stayed with the following conditions: Within forty-five days of the stay Petitioner shall pay a monetary fine in the amount of \$500. Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Petitioner choose to practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall have employment</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Pamela Rae Brown, Petitioner for Initial Licensure (LVN)</p>	<p><i>and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; and Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a LVN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Brandy Lorraine Hines, Petitioner for Initial Licensure (LVN)</p>	<p><i>to practice nursing in Texas which shall bear the appropriate notation and Petitioner shall be subject to the following stipulation: Petitioner shall participate in therapy with a with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within forty-five days of initial licensure Petitioner shall pay a monetary fine in the amount of \$250. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a LVN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p>
	<p>Myra Macias, Petitioner for Initial Licensure (RN)</p>	<p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; and Petitioner shall participate in therapy with a with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p><i>Sandra Jean Pfaff, Applicant for Licensure by Endorsement (RN)</i></p> <p><i>Cristobal Silva, Jr., Petitioner for Initial Licensure (RN)</i></p>	<p><i>Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; and Petitioner shall participate in therapy with a with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p><i>Applicant for Licensure by Endorsement. Upon meeting the requirements for licensure and payment of any required fees, Applicant is hereby Conditionally Eligible for licensure in Texas with conditions. Applicant shall be subject to the following stipulation: Applicant shall participate in therapy with a with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Applicant's progress in therapy until released from therapy.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Tasheina R. Wickware, Petitioner for Initial Licensure (LVN)</i></p>	<p><i>conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner, upon attaining a passing grade on the NCLEX-PN, shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a LVN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>1. ADMINISTRATION</p> <p>1.1. Executive Director’s Report</p> <p>1.2. Legal</p> <p>1.2.1. Report on Staff Approval of Applicants with Minor Criminal History</p> <p>1.2.2. Update on Pending Litigation - Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation: <i>Michael Thompson v. Board of Nursing, Cause No. D-1-GN-07-004236 (Travis County); Tiffany Drake v. Board of Nursing, Cause No. 07-1991-336 (Grayson County); Basil Brown v. Board of Nursing (Petition for Discretionary Review); and Kathleen Davies v. Board of</i></p>	<p>Katherine Thomas reviewed her written report to the board.</p> <p>Dusty Johnston reviewed his written report to the board.</p> <p>Dusty Johnston provided the board with an update on the pending litigation and discussed each case listed. Mr. Johnston advised that no executive session was warranted and that no action needed to be taken.</p>	<p><i>employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p>No action.</p> <p>No action.</p> <p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Vocational Nurse Examiners, GN-102115 (Travis County)</i></p> <p>1.3. Business Process Work Plan from the Office of the Governor</p>	<p>Katherine Thomas reported that the final report has not been released yet but that once it is released she will report back to the Board. All Health Professions Council (HPC) Boards will review the document and then the HPC will review the report at a future meeting.</p>	<p>This report was for informational purposes only. No action.</p>
<p>2. OPERATIONS</p> <p>2.1. Financial Statement - 1ST Quarter, Fiscal Year 2008</p>	<p>Mark Majek reviewed the Financial Statement and answered questions regarding appropriated receipts and fines.</p>	<p>This report was for informational purposes only. No action.</p>
<p>3. NURSING</p> <p>3.1. PRACTICE</p> <p>3.1.1. Workshop Report</p>	<p>Carol Marshall reported that only three workshops will be held this year and all will be held in Austin. The BON Workshop staff are developing a module to prepare test takers for the Jurisprudence exam and it will be available on the BON website.</p>	<p>This report was for informational purposes only. No action.</p>
<p>3.2. EDUCATION</p> <p>3.2.4. Report on Strategies Utilized by Texas Nursing Educational Programs to Improve Candidates' Performance on the NCLEX Examination</p>	<p>The Board reviewed the report on Strategies Utilized by Texas Nursing Education Programs to Improve Candidates' Performance on the NCLEX Examination.</p>	<p>This report was for informational purposes only. No action.</p>
<p>3.2.5. Report on the Possible Impact of Repeat Test Takers on</p>	<p>The Board reviewed the report on the possible impact of repeat test takers on Nursing Educational Programs NCLEX Pass Rates.</p>	<p>This report was for informational purposes only. No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Nursing Educational Programs NCLEX Pass Rates</p> <p>3.2.6. Petition to Request Extension of Faculty Waiver - Amarillo College, Associate Degree Nursing Educational Program</p> <p>3.2.7. Consideration of Application for Innovative Professional Nursing Education Pilot Program - Victoria College, Associate Degree Nursing Educational Program</p>	<p>The Board considered the petition from Amarillo College to request an extension of a faculty waiver on behalf of Rebecca Vincent, RN, and the recommendation from the Education Liaison Committee (ELC) regarding the petition.</p> <p>The Board considered the Application for Innovative Professional Nursing Education Pilot Program from Victoria College Associate Degree Nursing Education Program. Marilyn Hamilton, MSN, RN, ADN Coordinator and Le Ann Wagner, MSN, RN were present to answer questions.</p>	<p>The Board voted to approve the extension of faculty waiver of Rebecca Vincent.</p> <p>The Board voted to approve the Innovative Professional Nursing Education Pilot Program from Victoria College Associate Degree Nursing Program.</p>
<p>4. ENFORCEMENT</p> <p>4.1. Criminal Background Check Update</p>	<p>The board reviewed the statistical report provided regarding criminal background checks.</p>	<p>No action.</p>
<p>5. COMMITTEE REPORTS</p> <p>5.1. Board Committees</p> <p>5.1.3. Development and Evaluation</p>	<p>Rachel Gomez reported that a list of proposed board development had been sent to all board members and agreed upon and that staff will begin presenting those at future board meetings.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>5.2. Advisory Committees/Task Forces</p> <p>5.2.1. Advanced Practice Nurses Advisory Committee</p> <p>5.2.2. Nursing Practice Advisory Committee</p> <p>5.2.3. Advisory Committee on Education</p> <p>5.2.4. Task Force on Licensure, Eligibility and Discipline</p>	<p>The Board considered the report of the November 5, 2007 meeting of the Advanced Practice Nursing Advisory Committee (APNAC)</p> <p>No report.</p> <p>The Board considered an update regarding the status of ACE activities and considered staff recommendation regarding nominations for new committee members.</p> <p>Dusty Johnston reported that the committee met and continues to work on the Disciplinary Grid. Mr. Johnston stated that the task force's recommendations regarding the Board disciplinary sanction policies were on the Board's current agenda to be acted on.</p>	<p>This report is for information purposes only. No action is required.</p> <p>No action.</p> <p>The Board voted to accept and approve the nominations for new members on the ACE as follows: Frances Chatman, LVN, for LVNAT to represent vocational nursing; Susan Sportsman, PhD, for TNA to represent professional nursing; Betty Sims, MSN, RN, for TAVNE to represent VN programs in Community Colleges/Universities; Nancy Maebius, PhD, RN, to represent VN programs in Career Schools and Colleges; Bonnie Higgins, EdD, RN, for TOADN to represent Associate Degree Nursing Programs; Eileen Deges Curl, PhD, RN, for TADDPNP to represent Professional Nursing Programs; and to authorize board staff to refer nominations for new ACE members to the Education Liaison Committee and the Board President for Interim Approval when these nominations are received during the intervals between regularly scheduled Board Meetings.</p> <p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Program, Department of State Health Services, Related to Registered Nurses Performing Radiologic Procedures</p>	<p>perform radiologic procedures.</p>	
<p>OPEN FORUM:</p>	<p>Linda Rounds announced the format and invited participation from the audience.</p> <p>Rachel Sheeran, RN, JD, addressed the Board regarding her concerns about the treatment of one of her clients by board staff during an investigation. Ms. Sheeran asserted that she represented her client only on the original allegations made and when new allegations were made, that the Board has a duty to notify the Respondent, not her. At such time as her client hired her to represent her in new allegations, it was her opinion that notifying her is inappropriate. Ms. Sheeran requested that the Board require the Executive Director of the Board to request an opinion from the Attorney General regarding when the Board must notify the Respondent instead of the Attorney when new allegations are made.</p> <p>David Casebolt addressed the Board regarding his concern on nurses competency to practice safely, expressed his concern about a nurse who he believes is a hazard to the public, and how he has done everything possible including filing a complaint with the Board and feels that nothing has been done to discipline the individual's practice.</p> <p>Jim Willmann, with Texas Nurses Association addressed the Board regarding the Nursing Peer Review rule and wanted to express his appreciation to Carol Marshall and Joy Sparks for their hard work on that rule.</p> <p>No one else came forward and the Open Forum was closed.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>6. OLD BUSINESS 6.1. Nurse Licensure Compact Update</p>	<p>Katherine Thomas provided an update on the Nurse Licensure Compact.</p>	<p>No action.</p>
<p>6.2. Reports Related to Sunset Bill HB2426 6.2.1. Status Report Relating to Selection of National Nursing Accrediting Agencies by the Board</p>	<p>Mary Beth Thomas gave some historical perspective regarding the Selection of National Nursing Accrediting Agencies by the Board. Dorothy Joy reported that staff has had two meetings with CCNE and has developed a matrix (crosswalk) to facilitate a comparison of Rule 214 and 215 with the accreditation bodies criteria. A follow up conference call is scheduled with NLNAC. Ms. Joy reported that there will be a full report at the April board meeting.</p>	<p>This report was for informational purposes only. No action.</p>
<p>6.2.2. Status Report Relating to Streamlining of the Texas Board of Nursing’s Initial Approval Process for Nursing Education Programs</p>	<p>Robbin Wilson reported that Staff has conducted meetings with THECB and TWC to identify duplicative processes and have developed a matrix table to facilitate a comparison of the steps in the approval processes at all three agencies. The matrix table was completed by THECB and TWC and submitted to the BON Staff, who have begun the process of discussing the information from the matrix table and developing a streamlined process for initially approving a new nursing education program. Ms. Wilson reported that the streamlined approval process will be presented to the Board at the April meeting.</p>	<p>This report was for informational purposes only. No action.</p>
<p>6.2.3. Status Update Relating to Development of a Process Allowing for Board Approval of Hospital-Based Diploma Programs</p>	<p>Robbin Wilson reported that Board Staff have begun to develop a process to allow for Board approval of hospital-based diploma programs. Ms. Wilson also reported that a foundation for development of a specific approval process and an education guideline for approval of a new hospital-based diploma nursing program has been developed as a by product of the overall streamlined approval process discussed in agenda item 6.2.2. Ms.</p>	<p>This report was for informational purposes only. No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
	Wilson further reported that it is anticipated that the final approval process/guideline will be presented to the Board at the April, 2008 Board meeting.	
<p>6.3. Rules Related to Sunset Bill HB2426</p> <p>6.3.1. Comments and Response to Comments on Proposed New Rule to § 217.13, Relating to Peer Assistance Program</p>	Joy Sparks reported that at the July 2007 Board meeting, the Board proposed amendments to section 217.13, Peer Assistance Programs, to include the requirement imposed by House Bill 2426 (Sunset Bill) that nurses who are impaired and commit a practice violation must be reported to the Board and not directly to a peer assistance program. This proposal was published in the August 3, 2007, edition of the <i>Texas Register</i> .	The Board voted to adopt the responses to comments as outlined and to adopt with changes new section 217.13, relating to Peer Assistance Program, in response to comments received to the proposal and to publish in the <i>Texas Register</i> .
<p>6.3.2. Comments and Response to Comments on Proposed Amendments to § 214.2 (Definitions), and Adoption of Amendments, as Proposed [no comments received], to §§ 214.3 (Program Development), 214.4 (Approval), 214.6 (Administration and Organization), and 214.12 (Records and Reports), Relating to Vocational Nursing Education</p>	The Board considered adoption of proposed amendments to §214.2 (Definitions) with consideration of comments received as well as staffs' suggested responses and recommendation. Staff reported that no comments on rules §§214.3 (Program Development), 214.4 (Approval), 214.6 (Administration and Organization), and 214.12 (Records and Reports) relating to Vocational Nursing Education were received, therefore these rules were published as adopted pursuant to board action at the October, 2007 board meeting.	The Board voted to adopt proposed amendments to §214.2 (Definitions) with changes in response to comments received and adopt the responses to comments and publish in the <i>Texas Register</i> .
<p>6.3.3. Comments and Response to Comments on Proposed Amendments to §§ 215.2</p>	The Board considered adoption of proposed amendments to §§215.2 (Definitions), 215.3 (Program Development, Expansion and Closure), and 215.4 (Approval) with consideration of comments received as well as staffs'	The Board voted to adopt proposed amendments to §§215.2 (Definitions) and 215.3 (Program Development, Expansion and Closure) with the changes made in response to comments and adopt the responses to comments and publish in the

AGENDA ITEM	DISCUSSION	ACTION
<p>(Definitions), 215.3 (Program Development, Expansion and Closure), and 215.4 (Approval), and Adoption of Amendments, as Proposed [no comments received], to §§ 215.6 (Administration and Organization) and 215.12 (Records and Reports), Relating to Professional Nursing Education</p>	<p>suggested responses and recommendations. Staff reported that no comments were received on rules §§215.6 (Administration and Organization), and 215.12 (Records and Reports) relating to Professional Nursing Education and therefore these rules were published as adopted pursuant to board action at the October, 2007 board meeting.</p>	<p><i>Texas Register.</i></p>
<p>6.8. Withdrawal of Proposed New Rules 217.19 and 217.20 and Re-Proposal of New §§217.19 and 217.20, Relating to Incident-Based and Safe Harbor Peer Review, Respectively</p>	<p>The Board considered the withdrawal of proposed new rules 217.19 and 217.20 and re-proposal of new §§217.19 and 217.20, Relating to Incident-Based and Safe Harbor Peer Review, Respectively.</p>	<p>Board member Sheri Crosby abstained from the vote on this agenda item. The Board voted to withdraw proposed peer review rules 217.19 and 217.20, and to re-propose adoption of new rules by the same titles: 217.19 Incident-Based Nursing Peer Review and Whistleblower Protections; and 217.20 Safe Harbor Peer Review for Nurses and Whistleblower Protections in the Texas Register for a 30-day comment period. The board authorizes staff legal counsel to make non-substantive language changes in the proposed new rules for clarification purposes. Such non-substantive editorial changes may occur prior to publication in the Texas Register. If negative comments are not received, the Board moved to adopt new rules 217.19 and 217.20 as re-proposed.</p>
<p>7. NEW BUSINESS 7.1. Texas Peer Assistance Program for Nurses (TPAPN) 7.1.1. Quarterly Report</p>	<p>The Board considered the TPAPN Quarterly Report and TPAPN’s request for the Board to consider TPAPN’s Proposed New Self</p>	<p>The Board voted to adopt TPAPN’s Proposed New Self Referral Policy.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>7.2. Review of Position Statements Current Position Statements with Conforming and Editorial Changes</p> <p>15.1 Nurses Carrying Out Orders From Physician's Assistants</p> <p>15.2 Role of the Licensed Vocational Nurse in the Pronouncement of Death</p> <p>15.3 LVNs Engaging in Intravenous Therapy, Venipuncture, or PICC Lines</p> <p>15.4 Educational Mobility</p> <p>15.5 Nurses with the Responsibility for Initiating Physician Standing Orders</p> <p>15.6 Board Rules Associated With Alleged Patient "Abandonment"</p> <p>15.7 The Role of LVNs & RNs in Management and/or Administration of Medications via Epidural or Intrathecal Catheter Routes</p> <p>15.8 The Role of</p>	<p>Referral Policy. This policy will result in reports to the Board of nurses who have self-referred to the program and failed to successfully complete the program. Mike Van Doren was present to answer questions.</p> <p>The Board considered the recommendations of staff with regard to the conforming and non-substantive editorial changes of existing position statements.</p>	<p>The Board voted to adopt the conforming and editorial changes to position statements with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>the Nurse in Moderate Sedation 15.9 Performance of Laser Therapy by RNs or LVNs 15.10 Continuing Education: Limitations for Expanding Scope of Practice 15.11 Delegated Medical Acts 15.12 Use of American Psychiatric Association Diagnoses by LVNs, RN or APNs 15.13 Role of the LVNs & RNs As School Nurses 15.14 Duty of a Nurse in Any Practice Setting 15.15 Board's Jurisdiction Over Nursing Titles and Practice 15.16 Development of Nursing Education Programs 15.17 Board of Nurse Examiners/Board of Pharmacy, Joint Position Statement, Medication Error 15.18 Nurses Carrying out orders from Advance Practice Nurses 15.19 Nurses Carrying Out Orders from Pharmacists for Drug Therapy Management 15.20 Registered</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>Nurses in the Management of an Unwitnessed Arrest in a Resident in a Long Term Care Facility 15.21 Deleted 01/2005 15.22 APNs Providing Medical Aspects of Care for Themselves or Others With Whom There is a Close Personal Relationship 15.23 The RNs Use of Complementary Modalities 15.24 Nurses Engaging In Reinsertion of Permanently Placed Feeding Tubes 15.25 Administration of Medication & Treatments by LVNs</p>		
<p>7.7. Action Items Related to Sunset Bill, HB2426 7.7.1. Consideration of Policy Related to Practice Violations Related to Chemical Dependency</p>	<p>The Board considered the proposed Policy Related to Practice Violations Related to Chemical Dependency.</p>	<p>The Board voted to adopt the policy pertaining to third party referrals for nurses with suspected chemical dependency issues who commit practice related violations as proposed by staff.</p>
<p>9. MISCELLANEOUS 9.2. Board Development: Studio 361, Paperless Training</p>	<p>The new board members were provided training by Tawnya Smith and Bill Ray regarding the use of the Studio 361 software used to review board materials electronically.</p>	<p>No action.</p>

ADJOURNMENT

Having completed this day's business the meeting adjourned at 4:40 p.m.

TEXAS BOARD OF NURSING

Regular Meeting

Friday, January 18, 2008

8:38 a.m. - 12:47 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

Sheri Crosby

Marilyn Davis

Blanca Rosa Garcia

Richard Robert Gibbs

Rachel Gomez

Brenda Jackson

Beverley Nutall

Frank Sandoval

Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

James "Dusty" Johnston, General Counsel

Joy Sparks, Assistant General Counsel

Mary Beth Thomas, Director of Nursing

Allison Hassinger, Administrative Assistant

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Janice Hooper, Nursing Consultant

Robbin Wilson, Nursing Consultant

Carol Marshall, Nursing Consultant

Dorothy Joy, Nursing Consultant

Karen Neighbors, Nursing Consultant

Denise Benbow, Nursing Consultant

Bruce Holter, Information Specialist

Douglas Boone, Investigator

Scott Torres, Investigator

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Linda Rounds called the meeting to order at 8:38 a.m, Friday, January 18, 2008.	
ROLL CALL	Board Members George Buchenau, Jr., and Mary Jane Salgado were absent, all other members were present. A quorum was established.	
3.2. EDUCATION 3.2.8. Public Hearing for Proposal to Establish a New Nursing Education Program - Galen Health Institute, Associate Degree Nursing Educational Program	The Board held a public hearing and considered the Galen Health Institute (GHI), San Antonio, Texas proposal to establish a new associate degree nursing education program (LVN to RN mobility) and the report of a survey visit. Nancy Maebius was present to answer questions.	Board members Marilyn Davis, Sheri Crosby and Kristin Benton abstained from the vote on this agenda item. The Board voted to grant initial approval for the Galen Health Institute to establish a new associate degree nursing education program based upon the proposal and findings from the survey visit pending official documentation from The Texas Higher Education Coordinating Board authorizing Galen Health Institute to grant a degree.
5. COMMITTEE REPORTS 5.3. Collaboration with Outside Agencies / Stakeholders 5.3.6. Health Alliance Safety Partnership Annual Report	Debra Simmons did a power point presentation summary of Health Alliance Safety Partnership (HASP) for new board members entitled Safe Systems, Safe Practice, Safe Patients. Ms. Simmons also provided a review of the annual report for the Board.	This was an informational item only. No action.
7. NEW BUSINESS 7.3. Consideration of Disciplinary Sanction Policies Revisions 7.3.1. Disciplinary Sanctions for Sexual Misconduct	The Board considered Staff's request that the Board adopt the review of the proposed revised disciplinary policies. Dusty Johnston presented amendment's to	The Board voted to adopt the revised disciplinary policies pertaining to 1) sexual misconduct, 2) lying and falsification, 3) fraud, theft, and deception, and 4)

AGENDA ITEM	DISCUSSION	ACTION
7.3.2. Disciplinary Sanctions for Lying and Falsification	<p>the Disciplinary Sanction Policy for Sexual Misconduct as amended and recommended for Board adoption by the Eligibility and Disciplinary Task Force at its November 30, 2007 meeting.</p> <p>The Board considered Staff's request that the Board adopt the review of the proposed revised disciplinary policies. Dusty Johnston presented amendment's to the Disciplinary Sanction Policy for Lying and Falsification as amended and recommended for Board adoption by the Eligibility and Disciplinary Task Force at its November 30, 2007 meeting.</p>	<p>chemical dependency, and to publicize the revised policies by posting them on the Board's web site.</p> <p>The Board voted to adopt the revised disciplinary policies pertaining to 1) sexual misconduct, 2) lying and falsification, 3) fraud, theft, and deception, and 4) chemical dependency and to publicize the revised policies by posting them on the Board's web site.</p>
7.3.3. Disciplinary Sanctions for Fraud, Theft and Deception	<p>The Board considered Staff's request that the Board adopt the review of the proposed revised disciplinary policies. Dusty Johnston presented amendment's to the Disciplinary Sanction Policy for Fraud, Theft and Deception as amended and recommended for Board adoption by the Eligibility and Disciplinary Task Force at its November 30, 2007 meeting.</p>	<p>The Board voted to adopt the revised disciplinary policies pertaining to 1) sexual misconduct, 2) lying and falsification, 3) fraud, theft, and deception, and 4) chemical dependency and to publicize the revised policies by posting them on the Board's web site.</p>
7.3.4. Disciplinary Sanctions for Nurses with Chemical Dependency	<p>The Board considered Staff's request that the Board adopt the review of the proposed revised disciplinary policies. Dusty Johnston presented amendment's to the Disciplinary Sanction Policy for Nurses with Chemical Dependence as amended and recommended for Board adoption by the Eligibility and Disciplinary Task Force at its November 30, 2007 meeting. Discussion was held on the need to provide minimum criteria for chemical dependency evaluations that the Board would be willing to accept.</p>	<p>The motion was made to adopt revised policy as presented but to add a footnote that outlined minimum criteria for approved chemical dependency evaluation. The Board voted to adopt the revised disciplinary policies pertaining to 1) sexual misconduct, 2) lying and falsification, 3) fraud, theft, and deception, and 4) chemical dependency to add a footnote for minimum criteria for Board approved chemical dependency evaluation and to publicize the revised policies by posting them on the Board's web site.</p>
7.4. Consideration of Adding the Emergency Nurses Association (ENA) to the List of Approved CE Providers on the BON's "1-2-3's of	<p>The Board considered ENA's request to be listed as an approved provider of nursing Continuing Education (CE) on the BON's CE Brochure. Their processes for approval of CE are equivalent to that of Texas Nurses Association (TNA), American Nurses Credentialing Center (ANCC) and other providers currently listed on the informational brochure. Staff seek the</p>	<p>The Board voted to approve the addition of the Emergency Nurses Association (ENA) to the Board's Continuing Education brochure as an approved provider of continuing education for nurses.</p>

AGENDA ITEM	DISCUSSION	ACTION
CE" Brochure	Board's approval to add this organization to the list of approved CE Providers as requested by ENA.	
7.5. Request for a Charge from the Board to the Nursing Practice Advisory Committee Regarding Rule Review and Revision of Rule 217.16, Minor Incidents	The Board considered a request to charge the Nursing Practice Advisory Committee (NPAC) with review and recommendations regarding Rule 217.16, Minor Incidents.	The Board voted to charge the Nursing Practice Advisory Committee to review and recommend revisions to Rule 217.16, Minor Incidents, as a result of changes made to the nursing peer review rules.
7.6. Consideration of Proposed Amendment to § 223.1 (Fees), Relating to Reduction in Costs of FBI Criminal Background Checks	The Board considered a proposed amendment to § 223.1 (Fees), Relating to Reduction in Costs of FBI Criminal Background Checks.	The Board voted to propose the amendment to section 223.1, relating to fees, and publish in the <i>Texas Register</i> for a 30-day comment period. If no comments are received in response to the fee change, adopt the amendment as proposed.
7.7. Action Items Related to Sunset Bill, HB2426		
7.7.2. Consideration of New Policy on Use of Technological Solutions to Improve Board Functions	The Board considered a New Policy on Use of Technological Solutions to Improve Board Functions.	The Board voted to adopt the Policy on Use of Technological Solutions to Improve Board Functions as proposed by staff.
8. PROPOSED BOARD ORDERS		
8.5. Docket No. 507-07-3735, Petition for Declaratory Order of Tony Carlisle 8.5.1. Consideration of	The Board considered the Administrative Law Judge's Proposal for Decision in Docket No. 507-07-3735; Staff's Presentation and Recommendations for Disposition of Docket No. 507-07-3735, Including Adoption of the Proposal for Decision's Findings of Fact and	Board member Marilyn Davis abstained from the vote on this agenda item. The Board voted to adopt the findings of fact and conclusions of law in the Proposal for Decision and enter the attached Opinion and Order denying Petitioner's eligibility for licensure. The Order contains

AGENDA ITEM	DISCUSSION	ACTION
<p>the Administrative Law Judge's Proposal for Decision in Docket No. 507-07-3735</p> <p>8.5.2. Consideration of Staff's Presentation and Recommendations for Disposition of Docket No. 507-07-3735, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications Consistent with the Board's Opinion</p> <p>8.5.3. Consideration of Presentation and Recommendation by Tony Carlyse, Docket No. 507-07-3735</p> <p>8.5.4. Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation; Petition for Declaratory Order of Tony Carlyse</p> <p>8.5.5. Convene in Open Session to consider recommendations and take action: Petition for Declaratory Order of Tony Carlyse</p>	<p>Conclusions of Law with Modifications Consistent with the Board's Opinion; and Respondent Tony Carlyse was given a full opportunity to make a presentation by Dr. Rounds. Mr. Carlyse presented to the board.</p>	<p>a finding by the Board that it disagrees with the ALJ Opinion that Rule 22 TAC §217.11(a) and 22 TAC §217.12(13) do not apply to applicants for licensure.</p>
<p>8.6. Docket No. 507-07-3951, In</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision in</p>	<p>Board member Deborah Bell recused herself prior to the consideration and vote</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>the Matter of Permanent Certificate Number 577854, Issued to Raymond H. Lewis</p> <p>8.6.1. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-07-3951</p> <p>8.6.2. Consideration of Staff’s Presentation and Recommendations for Disposition of Docket No. 507-07-3951, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications Consistent with the Board’s Opinion</p> <p>8.6.3. Consideration of Presentation and Recommendation by Raymond H. Lewis, Docket No. 507-07-3951</p> <p>8.6.4. Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate #577854 Issued to Raymond H.</p>	<p>Docket No. 507-07-3951; Staff’s Presentation and Recommendations for Disposition of Docket No. 507-07-3951, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications Consistent with the Board’s Opinion; and Louis Leichter, attorney for Respondent Raymond H. Lewis, was given a full opportunity to make a presentation on behalf of his client by Dr. Rounds. Mr. Leichter presented with his client, Respondent Raymond H. Lewis, to the board. Mr. Leichter and Mr. Lewis both addressed the board.</p>	<p>on this proposal for decision. Board member Sheri Crosby abstained from the vote on this proposal for decision.</p> <p>The Board voted to adopt the findings of fact and conclusions of law of the ALJ as thoughtfully set forth and separately stated herein with the exception of the proposed Conclusion of Law No. 8 which is re-designated as a recommendation and is not adopted, and with the exception of Findings of Fact Nos. 5, 10, 11, 15 and 18 which are modified and adopted as modified as set forth below. the Board modifies Finding of Fact Nos. 10, 11 and 15 because they contain technical errors and do not properly apply the Board’s rules and written policies. Proposed Finding of Fact No. 10 contains the essential information from Formal Charge IV but omits the offense date of July 3, 2005. Proposed Finding of Fact No. 11 contains the essential information from Formal Charge VI but omits the offense date of July 3, 2005. Findings of Fact Nos. 10 and 11 contain two separate convictions January 26, 2006 and February 1, 2006, but both offenses occurred on the same date. Proposed Finding of Fact No. 15 contains the essential information from Formal Charge VII but omits the offense date of November 3, 2005. The Board hereby modifies Findings of Fact Nos. 5, 10, 11, 15 and 18 and hereby adopts them as modified. Proposed Conclusion of Law No. 8 is hereby re-designated as a recommendation because it is a recommendation for a sanction and therefore not a proper conclusion of law. The Board does not adopt the recommended sanction of “successful completion of a program of the TPAPN.” It is therefore ORDERED that License Number 577854 issued to Raymond Horace Lewis to practice professional nursing in Texas is hereby SUSPENDED with said suspension ENFORCED with the following terms.</p> <p>ENFORCED SUSPENSION. Respondent’s license is hereby suspended with said suspension enforced until Respondent obtains diagnosis and treatment as</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Lewis 8.6.5. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate #577854 Issued to Raymond H. Lewis</p>		<p>recommended by an evaluator approved by the Board. Upon verification of said sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy; and Respondent shall cause his</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>9. MISCELLANEOUS</p> <p>9.1. Board Items of Interest for Future Board Meetings</p> <p>9.3. Review of the Board Quarterly Meeting Evaluation</p> <p>9.4. Appointment of Board Member to attend NCSBN Mid-Year Meeting</p> <p>9.5. Appointment of Board Member(s) to attend Informal Conferences for April, July and October, 2008</p> <p>9.6 Appointment of Board Members to BON Committees for 2008</p>	<p>No report.</p> <p>The Board members discussed the results of the October board quarterly meeting evaluation.</p> <p>The Board discussed board member attendance at the NCSBN Mid-Year Meeting.</p> <p>Linda Rounds called for volunteers to attend the Informal Settlement Conferences for April, July and October, 2008.</p> <p>Linda Rounds called for volunteers to serve on the BON committees for the 2008 year.</p>	<p>probation officer to submit quarterly written reports regarding Respondent's compliance with his court ordered probation until released from probation.</p> <p>No action.</p> <p>No action.</p> <p>The Board voted to send Linda Rounds and Katherine Thomas to the mid-year meeting.</p> <p>Board member Marilyn Davis was appointed to attend the Informal Settlement Conference for April; Kristin Benton was appointed to attend the Informal Settlement Conference for July; and Sheri Crosby was appointed to attend the Informal Settlement Conference for October, 2008. The Board members will contact Board Staff with their intended date of attendance during the month assigned to them.</p> <p>The following Board members were appointed to serve on the BON committees:</p> <p>Eligibility and Disciplinary Committee</p> <p>January-June Deborah Bell Rosie Garcia Rachel Gomez</p> <p>July-December Beverley Nutall Brenda Jackson Mary Jane Salgado / Sheri Crosby</p>

AGENDA ITEM	DISCUSSION	ACTION
		<p>Strategic Planning Rachel Gomez</p> <p>Task Force on Licensure, Eligibility and Discipline Richard Gibbs Deborah Bell (Alternate)</p> <p>Advanced Practice Nursing Linda Rounds</p> <p>Advisory Committee on Education Brenda Jackson</p> <p>APN Liasion Linda Rounds Brenda Jackson Rosie Garcia</p> <p>Education Liasion Brenda Jackson Rosie Garcia Kristin K. Benton</p> <p>Nursing Practice Advisory Committee Beverley Nutall George Buchenau, Jr.</p> <p>Internal Auditor Liasion Deborah Bell</p> <p>Jurisprudence Exam Liasion Brenda Jackson</p> <p>100TH Anniversary Committee Rosie Garcia Rachel Gomez Richard Gibbs</p>
ADJOURNMENT:	<p>Having completed all business as listed on the agenda, the meeting adjourned at 12:47 p.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, Executive Director</p>	